

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

DONALD CRAIG O'NEILL, )  
 )  
Petitioner, )  
 )  
v. ) CASE NO. 2:08-CV-311-WKW  
 ) (WO)  
DARLENE DREW, WARDEN, *et al.*, )  
 )  
Respondents. )

**ORDER**

On June 27, 2008, the Magistrate Judge filed a Recommendation (Doc. # 13) that the case be dismissed without prejudice to afford the Petitioner the opportunity to exhaust his administrative remedies. The petitioner filed two identical objections (Docs. # 14, # 16).

In his objections, Petitioner argues he should not be required to exhaust his administrative remedies because it is too late for him to attempt to do so. He also argues that the exhaustion requirement is not jurisdictional in nature for § 2241 habeas petitions and that this court should therefore waive the requirement in his case. Such arguments were raised in Petitioner's petition and were rejected in the Recommendation.

After an independent and de novo review of the record, it is the ORDER, JUDGMENT and DECREE of the Court that:

1. The Petitioner's objections (Docs. # 14, # 16) are OVERRULED;
2. The Recommendation (Doc. # 13) of the Magistrate Judge is ADOPTED.
3. This cause of action is DISMISSED without prejudice.

An appropriate judgment will be entered.

DONE this 25th day of July, 2008.

/s/ W. Keith Watkins  
UNITED STATES DISTRICT JUDGE